S.B. Cr. Misc. Petition NO.462/2007

Manish & Ors.
Vs.
State of Rajasthan & anr.

Date of Order :: 12-07-2007

HON'BLE MR. JUSTICE H.R.PANWAR

Shri Ranjeet Joshi, for the petitioners.

Heard counsel for the petitioners and Public Prosecutor for the State.

By the instant cr.misc.petition under Section 482 Cr.P.C., the petitioners have challenged the order of framing charge.

On the report lodged by the non-petitioner, Police investigated the matter and filed the challan against the petitioners for the offences under Sections 498A and 406 IPC and Section 4 of the Prohibition of Dowry Act, in criminal case no.390/05 before the Additional Chief Judicial Magistrate, Nagaur(for short, 'the trial court'). The trial court framed charges vide order dated 4.4.2006 against which the petitioner no.2 filed a criminal revision before the Additional Sessions Judge, Nagaur (for short, 'the revisional court'). By the order impugned dated 24.6.2006, the revision petition filed by the petitioner no.2 was dismissed. Hence this cr. Mic. Petition under Section 482 cr.P.C.

It is contended by the learned counsel for the petitioner, that the Court at Nagaur had no jurisdiction as after the marriage, the complainant and the petitioner no.1 started residing at Udaipur. It is further contended that there had not been any demand of dowry articles from non-petitioner no.2, therefore, offence under Section 406 IPC and under Section 4 of the Prohibition of Dowry Act are not made out.

I have carefully gone through the challan papers. So far as marriage of the petitioner no.1 with the non-petitioner no.2, is concerned, it was solemnized on 1.12.2001 at Nagaur according to Hindu custom and rites. It has also been stated in the statements of the witnesses that dowry articles were handed over to the husband and his other family members at Nagaur. There had been other allegations like causing harassment to the non-petitioner no.2 in connection with demand of dowry. It also appears that certain articles like Colour T.V., Fridge and cash amount of Rs.50,000/- were demanded as a dowry and therefore prima facie offences under Sections 498A and Section 4 of Prohibition of Dowry Act, in my view, are made out.

So far as point of jurisdiction is concerned, Sub-Section (4) of Section 181 of Cr.P.C. provides that any offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within whose

local jurisdiction the offence was committed or any part of the property which is the subject of the offence was received or retained, or was required to be returned or accounted for, by the accused person.

In the instant case, the alleged dowry articles were received by the petitioner no.1 and 2 at Nagaur, and therefore, the Court at Nagaur has a territorial jurisdiction. The contention raised by counsel for the petitioner, in this regard, cannot be accepted.

In this view of the matter, I do not find any merit in this petition and the same is therefore dismissed.

[H.R.PANWAR],J.

Praveen